

REMARKS

Claims 22 and 26 have been amended as suggested by the Examiner to overcome the informalities noted by the Examiner. Accordingly, withdrawal of the objection to these claims is respectfully requested.

Claims 22-26 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. More specifically, the Examiner indicated that the specification does not disclose the term “vibration transmission suppression mechanism.” In response, Applicant has removed this term from the claims, thereby rendering this rejection moot. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 22-26 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 24 has been cancelled, without prejudice, thereby rendering this rejection moot with respect to this claim. However, with respect to Claims 22, 23, 25 and 26, Applicant respectfully traverses this rejection.

This rejection also relates to the term “vibration transmission suppression mechanism.” As this term has been removed from the claims, this rejection has been rendered moot. Accordingly, withdrawal of this rejection is respectfully requested.

Further, Applicant also respectfully submits that the amended term (“a mechanism that includes a bar fixed to each of a rising portion of the inlet pipes and a chain block fixed to a central part of the bar and the fixing block, said mechanism being connected

via a first connection to the fixing block, at one end thereof, and connected via a second connection to top parts of each of the vacuum pumps, at an opposite end thereof, wherein said mechanism is configured an arranged to maintain a distance between the inlet pipe and the fixing block in an extending direction of the flexible pipe so as not to shrink the flexible pipe, in the extending direction, at a time of evacuation") is sufficiently clear for the purposes of 35 U.S.C. §112, second paragraph. Moreover, Applicant also respectfully submits that this term should not invoke 35 U.S.C. §112, sixth paragraph, and be interpreted as a means plus function limitation because it does not include the standard "means for" language. Additionally, the mechanism at issue recites sufficient structure, such as the claimed first and second connections, the bar and the chain block. Accordingly, as the amended term at issue is not intended to be treated under 35 U.S.C. §112, sixth paragraph, Applicant need not amend the claim to include the phrase "means for." In light of the preceding comments, Applicant respectfully requests the withdrawal of this §112, second paragraph rejection.

Claims 22 and 23 stand rejected under 35 U.S.C. §103 as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of JP 57-116947 to Watanabe. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the cited references, alone or in combination, fail to disclose or suggest all of the features of the present invention defined in independent Claim 22. More specifically, Applicant respectfully submits that the proposed combination fails to include, *inter alia*, the claimed pair of vacuum pumps that are "fixed to the floor panel near bottom portions thereof," as defined in amended independent Claim 22.

One example of an embodiment that includes such a feature is shown in Applicant's Figures 2 and 3, which include a pair of vacuum pumps 18 (Figure 2) that are fixed to the floor panel 50 (Figure 3) near bottom portions thereof, such as by fittings 52.

In contrast, even assuming *arguendo* that Applicant agreed that Watanabe could be combined with AAPA in the manner suggested by the Examiner,¹ the resulting device would still not include all of the features defined in independent Claim 22. More specifically, the Watanabe reference teaches suspending a vacuum pump 3 from above within a gimbal mechanism 5 so that the pump 3 is capable of pendulum-type movement in all directions. Such pendulum-type movement absorbs the vibrations of the pump. Therefore, any teaching related to vibration absorbing derived from Watanabe requires the pump to be suspended from above to enable such pendulum-type movement in all directions, which configuration also appears to rely on gravity to dampen such pendulum-type movements.

Applicant respectfully submits that, assuming *arguendo* that one of ordinary skill in the art would have modified AAPA in light of Watanabe, they would have necessarily included means for providing such pendulum-type motion, thereby allowing the bottom portion of the pump to move in all directions in a pendulum-like fashion. However, the inclusion of a means for providing such pendulum-type motion from Watanabe into the AAPA is directly opposite the feature of Claim 22 that calls for the vacuum pumps to be "fixed to the floor panel near bottom portions thereof." Accordingly, as all of the claimed features are not found in the Examiner's proposed combination of AAPA and Watanabe,

1. For arguments against the obviousness of the Examiner's combination of AAPA and Watanabe, see, for example, Applicant's Pre-Appeal Brief Request for Review (Sections I.A and I.C).

Applicant respectfully requests the withdrawal of this §103 rejection of independent Claim 22 and associated dependent Claims 23.

Claims 22-26 stand rejected under 35 U.S.C. §103 as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of JP 61-008479 to Sekiguchi et al. and USPN 2,663,894 to Elliotte.² Claim 24 has been cancelled, without prejudice, thereby rendering this rejection moot with respect to this claim. However, with respect to Claims 22, 23, 25 and 26, Applicant respectfully traverses this rejection.

Applicant respectfully submits that the Sekiguchi et al. reference teaches the use of a vibro-isolating system in which the vacuum pump 28 is free to move in a pendulum-like fashion. *See* Sekiguchi et al., Figure 3; English Abstract, Constitution Section, lines 10-12 (“the exhaust pipe 27 [which is fixed to pump 28] moves freely with a center point [A] of the bellows as a fulcrum”). Thus, at a basic level, the system of Sekiguchi et al. is similar to that of the Watanabe reference of the rejection discussed above. Accordingly, the combination of AAPA and Sekiguchi et al. suffers from the same deficiency as the combination of AAPA and Watanabe (i.e., once the pendulum-type system is incorporated into the AAPA system, assuming *arguendo* that such a combination is proper, the proposed combination lacks, *inter alia*, the vacuum pumps that are “fixed to the floor panel near bottom portions thereof,” as defined in independent Claim 22).

2. The Examiner also mentions JP 57-116947 in the description of this rejection (paragraph number 8, first sentence), but this appears to be in error because the details of how JP 57-116947 is applied in this rejection are not provided, as were such details in the previous rejection of paragraph 7. Applicant believes that JP 57-116947 was inadvertently carried over into paragraph 8 from the previous rejection of paragraph 7. Accordingly, Applicant is responding as though JP 57-116947 does not apply to the rejection of paragraph 8. If Applicant's assumption is incorrect, Applicant respectfully requests the issuance of a new non-final office action which clearly details how JP 57-116947 applies to the rejection of paragraph 8.

Further, the Elliott reference does not appear to remedy this deficiency because it is unclear how to use the vibro-isolating structure of the Sekiguchi et al. reference without hanging the pump to permit it to move in a pendulum-type fashion.

Additionally, even assuming *arguendo* that the Elliott reference could be somehow incorporated into the combination of AAPA and Sekiguchi et al., the proposed combination also lacks additional features defined in independent Claim 22. For example, the proposed combination also lacks “a mechanism, connected via a first connection to the fixing block, at one end thereof, and connected via a second connection to top parts of each of the vacuum pumps, at an opposite end thereof, wherein said mechanism is configured and arranged to maintain a distance between the inlet pipe and the fixing block in an extending direction of the flexible pipe so as not to shrink the flexible pipe, in the extending direction, at a time of evacuation,” as defined in independent Claim 22.

In the Office Action, the Examiner appears to equate chain 103 of Elliott with an element of the claimed “mechanism” defined in Claim 22. However, chain 103 of Elliott is designed to lift horizontal platform frame 16 off the ground when the vacuum unit is to be placed in a non-operative condition, so that nozzle portion 28 is away from the street. See Elliott, column 4, lines 56-67. Thus, chain 103 pivots the horizontal platform frame 16 towards piping section 61, thereby shrinking flexible pipe section 59. Such a configuration is exactly the opposite of the mechanism of Claim 22, which is defined as being “configured and arranged to maintain a distance [between two components] in an extending direction of the flexible pipe so as not to shrink the flexible pipe, in the extending direction, at a time of

evacuation.” Since chain 103 of Elliott encourages shrinking of the flexible pipe, it cannot be considered as part of the claimed “mechanism” that is configured so as not to shrink the flexible pipe. Accordingly, for this reason also, Applicant respectfully requests the withdrawal of this §103 rejection.

Further, chains 106 of Elliott cannot be considered as part of the claimed “mechanism” either. Chains 106 are not designed to maintain a distance between two components so as not to shrink the flexible pipe, as defined in Claim 22. Instead, chains 106 are designed not to stretch the flexible pipe 59. More specifically, in the paragraph bridging columns 4 and 5 of the Elliott reference, chains 106 are described as being used to prevent the cleaner frame from dropping too low. Thus, without chains 106, the cleaner frame may pivot downwardly if wheels 65 sink into a hole in the pavement, which movement would stretch flexible pipe 59, unless chains 106 are provided to prevent such downward pivoting. Accordingly, as chains 106 of Elliott operate in the opposite manner as the mechanism defined in independent Claim 22, Applicant respectfully submits that chains 106 do not satisfy the claimed “mechanism” either.

Thus, for at least the reasons discussed above, Applicant respectfully requests the withdrawal of this §103 rejection of independent Claim 22 and associated dependent Claims 23, 25 and 26.

Finally, Applicant has added new dependent Claims 27-29, as well as a new set of claims (Claims 30-38). New Claims 30-38 include new independent Claim 30 and associated dependent Claims 31-38.

Applicant respectfully submits that new Claims 27-29 are allowable for at least the reasons discussed above with respect to associated independent Claim 22.

Further, with regard to new Claims 30-38, support for these claims can be found in the Specification as originally filed as follows. New method Claims 30 and 31 are supported by the descriptions on pages 4-5, with the paragraph bridging these pages; page 9, second paragraph to fourth paragraph, and page 10, third paragraph. New method Claims 32-36 are supported by the descriptions on page 7, fifth paragraph to page 8, third paragraph, and Figures 1 to 3 of the Specification. New method Claim 37 is supported by Figures 2 and 3 of the Specification. Also new method Claim 38 is supported by the description on page 1, lines 31 to 34, of the Specification.

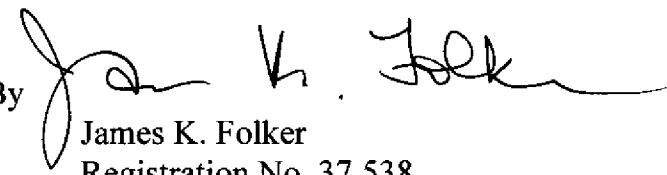
Applicant respectfully submits that new Claims 30-38 are also allowable over the references of record.

For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned attorney.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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November 23, 2009

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